

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-90—HB 6542

Environment Committee

Government Administration and Elections Committee

Human Services Committee

**AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT
THE SOUTHBURY TRAINING SCHOOL**

SUMMARY: This act establishes a procedure to preserve and manage state-owned property known as the “Farm at the Southbury Training School.” It requires the Department of Developmental Services (DDS) commissioner to transfer the care, custody, and control of the property to the Department of Agriculture (DoAg) commissioner, who must grant a permanent conservation easement on it to a nonprofit organization.

The act specifies that the easement must (1) provide for conservation of the farm for agricultural use, conducted according to a federally prepared and DoAg-approved conservation plan, and (2) allow the DoAg commissioner to lease, permit, or license the property for such use. The proposed easement and any proposed DoAg lease, permit, or license is subject to State Properties Review Board review and approval. The board must complete its review within 30 days after receiving the proposal.

The act exempts the leased, permitted, or licensed property from local property taxes and adds its value to the assessed value of state-owned land and buildings for calculating payments in lieu of taxes (PILOT) (see BACKGROUND). The law requires the state to reimburse towns for 45% of their lost revenue from state-owned property.

EFFECTIVE DATE: Upon passage

SOUTHBURY TRAINING SCHOOL PROPERTY

Transfer and Easement

The act requires the DDS commissioner to transfer the care, custody, and control of the land and buildings that comprise the “Farm at the Southbury Training School” to the DoAg commissioner. The DoAg commissioner must obtain a survey of the property that conforms to a horizontal Class A-2 (boundary) survey.

The DoAg commissioner must grant a permanent conservation easement on the property, based on the survey, to a nonprofit organization whose mission includes protecting agricultural lands for agricultural use.

The easement must:

1. provide for conservation of the farm for agricultural use;
2. allow the DoAg commissioner to lease, permit, or license any part of the farm to one or more persons or entities for agricultural use; and

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3. provide that all agricultural activity conducted on the farm be done according to a conservation plan prepared by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) and approved by the DoAg commissioner.

The act requires the conservation plan to provide for farm management that is consistent with (1) generally accepted agricultural practices, including those identified in the NRCS Field Office Technical Guide, and (2) protecting the farm's agricultural and conservation values. The plan must be updated periodically and whenever the farm's agricultural operation changes.

Under the act, the leases, permits, or licenses must (1) be for a term of up to 15 years and (2) require compliance with the permanent conservation easement. They are renewable for up to 15 years.

BACKGROUND

PILOT Payments

The law generally requires anyone leasing state-owned property for nongovernmental purposes to pay property taxes on the leased property's assessed value. This assessed value is excluded from the town's annual list of assessed values of state-owned property for PILOT. Leases to tax exempt entities, such as charitable organizations, are exempt from these requirements (CGS § 12-64).

Related Acts

SA 13-23 requires the conveyance of a separate 45-acre piece of land that is part of the Southbury Training School property to the town of Southbury for housing purposes.

PA 13-59 expands the allowable uses of municipal agricultural land preservation funds. Specifically, it allows a municipality to use the funds to acquire a landowner's rights to build any residence or farm structure on agricultural land and it explicitly allows the municipality to accept these rights as a gift.

PA 13-104 generally applies certain requirements for acquiring development rights to agricultural land under the Farmland Preservation Program (FPP) to the Community Farms Program (CFP). It also expands the development rights that a municipality may jointly own with the state under the FPP if the municipality pays part of the purchase price and correspondingly applies the expanded purchase rights to the CFP.

OLR Tracking: KLM:LH:VR:RO